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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/741,674	12/19/2003	John A. Throckmorton	ITL.1705US (P17674)	4151
21906	7590	11/13/2007		
TROP PRUNER & HU, PC 1616 S. VOSS ROAD, SUITE 750 HOUSTON, TX 77057-2631			EXAMINER RAY, AMIT K	
			ART UNIT 2623	PAPER NUMBER
			MAIL DATE 11/13/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/741,674	Applicant(s) THROCKMORTON ET AL.	
	Examiner Amit K. Ray	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action

A person shall be entitled to a patent unless –

(e) the invention was described in-
(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent; or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English.

2. Claims 8-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Davies et al, US 20040138663.

Re. Claim 8, Davies discloses a method, comprising:

(a) receiving a play request for stored media information from a requesting media system ([0026], lines 1-10),

(b) determining a source media system containing the stored media information ([0026], 11-14, showing sources; [0033], lines 1-9, determining a source for stored media information) , and

(c) instructing the source media system to send the stored media information to the requesting media system ([0026], lines 11-17)

Re. Claim 9, the method of claim 8, further comprising: providing content information to the requesting media system ([0033], lines 1-7).

Re. Claim 10, the method of claim 8, wherein the determining includes: finding the source media system of the stored media information by a look-up table ([0033], lines 1-7).

Re. Claim 11, the method of claim 8, wherein the determining includes: polling functionally connected media systems for the source media system of the stored media information ([0034], lines 1-17).

Re. Claim 12, Davies teaches the method of Claim 8, wherein the instructing includes: specifying an address of the requesting media system or a path between the source media system and the requesting media system ([0016], lines 1-20, disclosing a local network connecting all media system including a set-top terminal or box, remote devices, VCR or DVD player, a television, a computer, and advanced record/playback device, therefore implying address for each media system; [0018], lines 12-26, showing each remote device independently receive presentations from STT (Set-top terminal) or other devices, implying presence of address for each node in the local area network).

Re. Claim 13, in the method of claim 12, Davies teaches the path between the source media system and the requesting media system including two or more

communication links (Fig.2, requesting media system i.e. remote device 215-1 communicates via primary STT 205 labeled as 410 in Fig.5 with the source media system i.e. networked peripheral device 405 in Fig.5, having two communication links, one from IR port 510 to IR sensor 520 and other to an input port 545 from output port 540).

Re. Claim 14, Davies discloses an article of manufacture, comprising:

(a) a storage medium having instructions stored thereon that, when executed by a computing platform, may result in recording or playback of media information by a remote media system that is remote from a requesting media system by (Fig.2, Primary STT (set-top terminal) showing storage device 240; [0025], lines 25-29):

(b) receiving a playing request or a recording request for the media information from the requesting media system ([0026], lines 1-4, receiving play request; [0038], lines 5-9, receiving recording i.e. storing request);

(c) facilitating recording of the media information to the remote media system if the recording request is received ([0038], lines 5-9); and

(d) instructing the remote media system to send the media information to the requesting media system if the playing request is received ([0026], lines 1-17).

Re. Claim 15, the article of manufacture of claim 14, wherein the instructions, when executed, result in the facilitating recording of the media information by:

selecting a source of the media information (same as Claim element 1(a)), and selecting the remote media system as a storage destination for the media information (same as Claim element 1(b)).

Re. Claim 16, the article of manufacture of claim 14, wherein the instructions, when executed, result in the instructing the remote media system to send the media information by: determining that the remote media system currently stores the media information (same as Claim element 8(b)).

Re. Claim 17, the article of manufacture of claim 14, wherein the instructions, when executed, result in the receiving a playing request or a recording request by: providing resource information or content information to the requesting media system (same as Claim 9).

Re. Claim 18, Davies discloses a network, comprising: a first media system (Primary STT 205), including:

(a) a tuner arranged to separate media information from a media stream (Tuner 235),

(b) a storage device (Storage device 240), and

(c) a network interface arranged to be connected to a communication link (communication link 220); and a second media system (Remote device 215-1 or 215-2 or 215-3), including:

(d) a network interface arranged to be connected to the communication link (Fig.3, box "communication Interface"); and

(e) a processor (Fig.3, Processor 305) to request that media information from the tuner of the first media system be sent to the storage device of the first media system or to the network interface of the first media system ([0038], lines 1-9).

Re. Claim 19, the network of claim 18, wherein the network interface of the second media system is arranged to receive the media information (Fig.2, network interface 270 is two-way; [0018], lines 18-20), and wherein the processor is arranged to cause the media information to be played ([0018], lines 18-23, reciting access to peripheral device VCR or DVD player; [0035], lines 4-7, user e.g. remote device 215-1 or 215-2 or 215-3 choosing to play the selected presentation).

Re. Claim 20, the network of Claim 18, Davies teaches wherein the processor is arranged to request that media information from the tuner of the first media system be sent to a storage device in a third media system via the network interface in the first media system ([0038], lines 7-9, showing only media information from the tuner of the first media system to be sent to storage device in the first media system itself; [0018], lines 18-24, showing other storage device

like VCR, DVD player; [0025], lines 29-31, showing presentation being recorded on VCR; [0017], lines 1-10, reciting that the peripheral device is operated from any of the media systems including Set-top terminal STT, remote devices 215-1, 215-2, 215-3).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davies et al, US 20040068755 A1 in view of Gray et al, US 20040163130 A1.

Re. Claim 1, Davies discloses a method, comprising:

(a) receiving a recording request for media information from a first media system ([0031], lines 14-16; [0025], lines 18-21, receiving user request from a first media system);

(b) selecting a source of the media information ([0031], line 15-16, requesting the peripheral device 405 to record a selected downstream signal; [0025], lines 18-21, selecting VOD presentation from headend);

(c) selecting a storage destination for the media information ([0038], lines 5-6, the user may wish to store the media presentation signals on the storage device 240; [0025], lines 25-31, selecting either a storage device 240 or VCR to record/store the media presentation signals).

Davies does not teach scheduling recording of the media information from the source to the storage destination.

In analogous art, Gray teaches scheduling recording of the media information from the source to the storage destination ([0034], lines 3-29).

Therefore, it would have been obvious to one with ordinary skill in the art to modify Davies to include scheduling recording of the media information from the source to the storage destination, as taught by Gray, for the benefit of users to share storage capacity so that a multiple programs requiring large storage capacity could be recorded for later viewing by all users.

Re. Claim 2, the method of claim 1, Davies teaches providing resource information to the first media system is same as Claim element 1(b).

Re. Claim 3, the method of claim 1, Davies discloses further wherein at least one of the source and the storage destination is in a second media system remote from the first media system (storage device 240 in primary STT (Fig.2) or VCR in peripheral device 405 (Fig.4) are both remote from the users or remote devices i.e. first media system 215-1, 215-2, 215-3 (Fig.4)).

Re. Claim 4, the method of claim 1, Davies teaches further wherein both of the source and the storage destination are in a second media system remote from the first media system ([0018], lines 12-24, showing primary set-top terminal STT (Fig.2) are both source and storage destination remote from remote devices 215-1, 215-2, 215-3 (Fig.2)).

Re. Claim 5, the method of claim 1, Davies teaches further wherein the source of the media information is in a second media system remote from the first media system, and wherein the storage destination of the media information is in a third media system remote from the first media system and the second media system ([0018], lines 10-33).


Re. Claim 6, the method of claim 1, Davies teaches further acknowledging the recording request for media information to the first media system ([0021], lines 16-19).

Re. Claim 7, the method of claim 1, Davies discloses wherein the scheduling includes: scheduling recording of the media information from the source to the storage destination via a communication link in a network (Fig.4; [0031], lines 14-16, showing the source downstream signal; [0024], lines 25-26, receiving downstream signals from headend via the SIM 210; [0038], lines 7-9, storing signals in storage device 240 connected to headend by network via SIM 210, see Fig.2).

CONCLUSION

5. Any enquiry concerning this communication from the examiner should be directed to Amit Ray whose telephone number is 571-272-6339. The examiner can normally be reached on Monday-Friday, alternate Friday off, 7:30 AM –5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on 571-272-7294. The fax phone number for the organization where the application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Statute information for published applications may be obtained from either PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pairedirect.uspto.gov>. Should you have questions on accessing the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


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